

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, APRIL 27, 1982

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING April 27 A.D., 19 82,

IN Regular SESSION. PRESIDENT Samuel J. Talarico
IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK,

PRESENT THE FOLLOWING MEMBERS _____ VIZ: 8/1

BRADBURY ✓, BURNS ✓, EISBART ✓,

GIAQUINTA ✓, NUCKOLS A, SCHMIDT ✓,

SCHOMBURG ✓, STIER ✓, TALARICO ✓,

ABSENT _____

COUNCILMAN _____, _____, _____,

THE INVOCATION WAS GIVEN BY _____

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF
_____, 19 _____. MOTION MADE AND CARRIED THAT REPORT BE MADE
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR _____, 19 ___,
_____, 19 ___,
SPECIAL _____, 19 ___,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

5 April 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

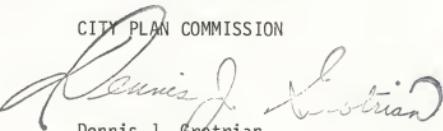
Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-81-11-10

Respectfully submitted,

CITY PLAN COMMISSION


Dennis J. Brotrian
Secretary

Certified and signed this
5th day of April 1982.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

5 April 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held March 22, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-81-11-10
2. From RA to B-1-B
3. Intended Use: Cities Service Gas Station
4. Plan Commission Recommendation: DO PASS with conditions.

This ordinance received a DO PASS recommendation for the following reason:

REASON: This rezoning will not have an adverse impact on the surrounding area.

CONDITIONS:

1. The subject property is proven to be owned by Cities Service (with reference to right-of-way). (THIS CONDITION HAS BEEN SATISFIED AND CITIES SERVICE DOES OWN ALL OF THE PROPERTY IN THE REZONING REQUEST)
2. Cities Service agrees to work with the City and County on acquisition of right-of-way of the widening of the intersection of St. Joe and St. Joe Center Roads at the same rate that would apply for residential. (A LETTER OF AGREEMENT HAS BEEN FORWARDED SATISFYING THIS CONDITION TO THE PLAN COMMISSION AND THE LETTER HAS BEEN APPROVED BY THE PLAN COMMISSION ATTORNEY.)

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING


Gary F. Baeten, Senior Planner

AN EQUAL OPPORTUNITY EMPLOYER



CITIES SERVICE COMPANY
PETROLEUM PRODUCTS GROUP

P. O. Box 15266
Fort Wayne, Indiana 46885
219-485-8125
March 26, 1982

City Plan Commission
City Council
City of Fort Wayne, Indiana 46802

SUBJECT: Rezoning to B-1-B Northeast Corner of St. Joe & St. Joe Center Roads

ATTENTION: Mr. Gary Baeten

In conjunction with the City Plan Commission's decision on March 22, 1982 to
rezone the northeast corner of St. Joe & St. Joe Center Roads from RA to B-1-B
please be advised of the following.

Cities Service Company will upon evidence from the City of Fort Wayne Engineering
Department having an approved plan for the widening of the above intersection
will at that time negotiate with the City of Fort Wayne for the necessary right-
of-ways at the same rate that would apply for residential. This letter shall
serve as Cities Service Company's satisfaction of the condition imposed upon
it by the City Plan Commission at the above meeting. I have authority to act
on behalf of Cities Service Company.

Very truly yours,

Charles L. DeCarbo
Charles L. DeCarbo
Market Manager

CLD/mld

cc: Robert Y. Keegan, Esquire
Shoaff, Parker & Keegan

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 10, 1981, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-81-11-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1981;

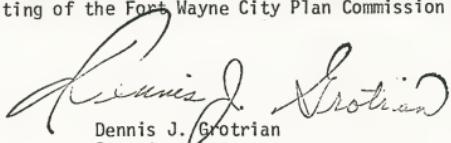
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend a by a motion by Robert Hutner, seconded by Darrell Blanton that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Facts":

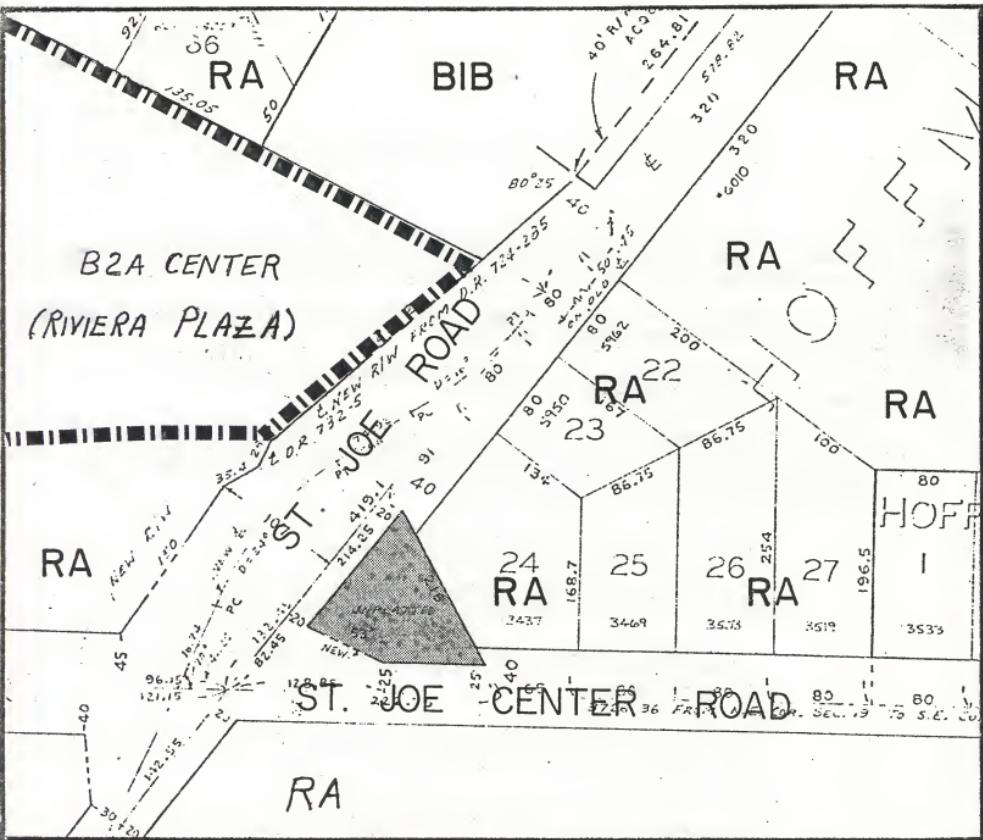
- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 22, 1982.

Certified and signed this
5th day of April 1982.


Dennis J. Grotrian
Secretary



ZONING RECLASSIFICATION FROM
AN RA TO A BIB DISTRICT.

Z-81-11-10

MAP NO. R-38

BY G. R. LAX 10-29-81

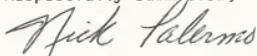
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 19/82/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,



Nick Palermo, Chairman
Board of Public Safety

RE TURN C E R T I F I C A T E

(Regulatory Resolution No. 19/82/E)

I hereby certify that I did this 16th day of
April, 1982 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 19/82/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.

Dick Palms

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 19/82/E
(Adopted April 16, 1982)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 11/82/E & 12/82/E:

NO PARKING (TEMPORARY)(EMERGENCY) AND NO PARKING (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 16, 19 82, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

April 16, 19 82, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (TEMPORARY) (EMERGENCY) Reg. Res. 11/82/E

Old Mill Rd. -- both sides -- from Lexington Ave. to Westover Rd.

NO PARKING (EMERGENCY) Reg. Res. 12/82/E

Abbey Dr. -- both sides -- from 820' west of Canterbury Blvd. to 350' west thereof

Northgate Blvd. -- north side -- from Old Dover Blvd. to 250' east thereof

Old Dover Blvd. -- east side -- from Northgate Blvd. to 410' north thereof

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 20/82/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,



Nick Palermo, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 20/82/E)

I hereby certify that I did this 19th day of
April, 1982 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 20/82/E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.

Rich Palermo

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 20/82/E
(Adopted April 19, 1982)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the
Temporary Experimental Regulation hereinafter ordered, with
regard to RENEW & EXTEND REG. RES. 13/82/E: NO PARKING
(EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 19, 1982, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF
THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

April 19, 1982, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Harmony Ct. -- east side -- from Berry St. to the first alley north thereof



The City of Fort Wayne

April 27, 1982

Mr. Charles W. Westerman
City Clerk

Dear Charlie:

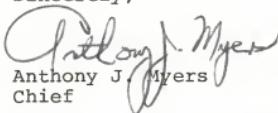
I have been requested by City Council to appear before them this evening regarding the possible closing of No. 10 Firehouse on State Street.

Within the next two weeks, I will be meeting with representatives of the neighborhood associations and concerned citizens regarding No. 10 Firehouse. Presently a decision has not been made as to the fate of #10's.

After the meetings with the neighborhood associations and public, I will give my recommendation to the Mayor. At this time, I would like to appear before Council and give them the reasons for my recommendation.

I would hope that Council would concur with my wishes.

Sincerely,


Anthony J. Myers
Chief

FORT WAYNE FIRE DEPARTMENT

bjs

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 27th day of April, 19 82 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 29th day of April, 19 82.

Charles W. Westerman
Charles W. Westerman
City Clerk